



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

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| JAY VAN PARKER, | § | No. 08-13-00339-CR |
| Appellant, | § | Appeal from the |
| v. | § | 396th District Court |
| THE STATE OF TEXAS, | § | of Tarrant County, Texas |
| Appellee. | § | (TC# 1314752W) |
| | § | |

MEMORANDUM OPINION

Before the trial court, Appellant waived trial by jury and entered an open plea of evading arrest by use of a vehicle. TEX. PENAL CODE ANN. § 38.04(b)(2)(A)(West Supp. 2014). The trial court deferred adjudication of guilt, placed Appellant on community supervision for five years, assessed a fine of \$500, and ordered Appellant to pay court costs of \$274.

Subsequently, the State filed a petition to proceed to adjudication. After being admonished, Appellant pleaded not true to committing a new offense of criminal trespass, and pleaded true to failing to comply with a requirement that he complete community service and failing to pay probation fees as alleged in the State's petition. The trial court revoked Appellant's probation, found Appellant guilty of evading arrest by use of a vehicle, and sentenced him to imprisonment for five years. With the trial court's permission, Appellant then filed his notice of appeal.

Appellant's court-appointed counsel, however, has filed a brief in which he has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493, *reh. denied*, 388 U.S. 924, 87 S.Ct. 2094, 18 L.Ed.2d 1377 (1967), by presenting a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. See *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex.Crim.App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex.Crim.App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex.Crim.App. 1969). A copy of counsel's brief has been delivered to Appellant, and Appellant has been advised of his right to examine the appellate record and file a pro se brief. No pro se brief has been filed.

We have carefully reviewed the record and counsel's brief and agree that the appeal is wholly frivolous and without merit. Appellant pled true and a plea of true is sufficient to revoke probation. See *Watts v. State*, 645 S.W.2d 461, 463 (Tex.Crim.App. 1983). Further, Appellant was sentenced within the range of punishment for his offense. TEX. PENAL CODE ANN. § 12.34 (West 2011); § 38.04(b)(2)(A)(West Supp. 2014). We find nothing in the record that might arguably support the appeal and a discussion of the contentions advanced in counsel's brief would add nothing to the jurisprudence of the state.

The judgment is affirmed.

YVONNE T. RODRIGUEZ, Justice

October 31, 2014

Before McClure, C.J., Rodriguez, J., and Barajas, C.J. (Senior Judge)
Barajas, C.J. (Senior Judge, sitting by assignment)(not participating)

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